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UNCLAS SECTION 01 OF 02 HO CHI MINH CITY 001074

SIPDIS

SENSITIVE

DEPARTMENT FOR EAP/BCLTV, DRL, EAP/P, G/TIP, PRM

E.O. 12958: N/A

TAGS: PHUM SOCI PREL PGOV VM HUMANR

SUBJECT: VIETNAM DEMOCRACY ACTIVISTS DISCUSS HUMAN RIGHTS DEVELOPMENTS

REF: A) HCMC 1011; B) HCMC 1002

¶11. (SBU) Summary: Recently-released dissident, Tran Van Khue, and Ms. Tam Van, the wife of jailed activist Dr. Nguyen Dan Que, told us that Vietnam remains far from meeting international human rights standards, particularly in areas such as freedom of association and expression. Despite the injustices done to them and their families, they recognize that human rights conditions in Vietnam continue to improve incrementally. Khue and Mrs. Que credit the USG's broad engagement with Vietnam as well as Vietnam's increasing participation in rules-based regimes such as the Bilateral Trade Agreement (BTA) and WTO for human rights-related improvements. They argue that this process of engagement helps bind the hands of Communist Party hardliners and creates new openings for greater personal freedom. They plan to continue their human rights activities, although in the near term Mrs. Que will focus on securing amnesty for her husband, who has 12 months remaining on his 30-month prison term. End Summary.

¶12. (SBU) On August 16 and 17, we met separately with dissident Tran Van Khue and with Ms. Tam Van, the wife of still-jailed human rights activist Nguyen Dan Que to discuss their families' situations and plans for the future, and to seek their views on the state of play on human rights issues in Vietnam.

Khue

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¶13. (SBU) Khue, released July 31 after 19 months in prison (ref a), said that he planned to continue to push for democratic reform and government transparency. Describing his trial, Khue said it was a foreordained farce. Despite his many written and oral requests, Khue alleged he was denied legal representation. (Family members previously told us that Khue chose to defend himself at his July 9 trial.) A family appeal to the President of the HCMC Bar Association also went unanswered. (Separately, the Bar President denied to us that he had ever received a request from Khue.)

¶14. (SBU) At the trial, Khue said that he told the presiding judge that it was he who should be prosecutor based on the vast number of documents he had amassed detailing corruption and malfeasance within the Communist Party. Khue said that he caught a glimmer of sympathy from the presiding judge, the Deputy Chief of HCMC's criminal court (a party member, as are almost all judges and prosecutors), who then proceeded to pronounce him guilty of "distorting the historic truth" and "abusing democracy and freedom to undermine national interests."

¶15. (SBU) A former Communist Party member, Khue said that he continues to have links to the party faithful -- for example, he plans to travel to Hanoi shortly to attend the 93rd birthday celebrations of retired General and national hero Vo Nguyen Giap. He credits his relatively mild sentence -- particularly in comparison to Dr. Que who was given an additional 11 months jail time -- to his Communist pedigree. He suspects sympathizers within the Communist Party intervened to blunt the efforts of hardliners to hand him a harsher sentence.

¶16. (SBU) Khue said that despite his own personal ordeal, his family has escaped largely unscathed, again because of his Party connections. His two sons continue to work for two state-owned enterprises, and an ad-agency that leases space in the family house operates unimpeded. A daughter who worked with him on publishing his anti-corruption manifestoes was fired from a military-owned shipbuilding company in HCMC, but Khue is hopeful that she will be able to find employment in another state-owned company.

Dr. Que

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¶17. (SBU) Ms. Tam Van, wife of imprisoned human rights and democracy activist Nguyen Dan Que, told us that Dr. Que had decided not to appeal his 30-month jail sentence as an appeal would only confer legitimacy to an illegitimate process. She has not yet been able to see her husband in prison since the July 29 trial (ref b). She understands, however, that her husband is being treated fairly by prison authorities: he has a relatively large cell (16 square meters), and she has been allowed to deliver money and medicine to the prison two times a month.

18. (SBU) Mrs. Que indicated that the family has been in informal contact with the authorities regarding a possible amnesty for her husband. She has not yet submitted a formal request; she is counting on the authorities to notify her when the time is ripe for such a petition, perhaps, she speculated, in time for a release during the Vietnamese "Tet" holiday in early 2005.

19. (SBU) Mrs. Que said that, in contrast to Khue, her family continues to suffer from systematic harassment. Cell phones are bugged, landline phones are cut and family members and friends routinely shadowed and interviewed.

Half empty or half full?  
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10. (SBU) Both Khue and Mrs. Que said that, although much remains to be done, Vietnam has made progress on some human rights issues. While appreciative of international concern for the plight of dissidents and pressure in their behalf, in their view progress was more a byproduct of the GVN's deepening engagement with the U.S. and the international community and Vietnam's participation in rules-based regimes such as the Bilateral Trade Agreement. In this context, they view Vietnam's early membership in the WTO as desirable. Khue added that there are honest and well-meaning members of the Communist Party and many are quietly sympathetic to his anti-corruption and reform message. His overall impression is that hardliners are slowly having their grip on power loosened.

Comment  
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11. (SBU) Our sense is that Khue's cautious optimism is on target -- at least as far as HCMC is concerned. In our discussions with party members and affiliates we find a broad recognition -- albeit with different levels of enthusiasm -- that the party orthodoxy is being pushed to adapt and respond to a more discerning domestic constituency as well as to the demands of Vietnam's international integration. Interestingly, even some dissidents agree. End Comment.

WINNICK